

SCHWEGMAN ■ LUNDBERG ■ WOESSNER

## United States Patent Application

### SUBSTITUTE REISSUE DECLARATION

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I verily believe I am the original, first and joint inventor of the subject matter which is described and claimed in U.S. Patent No. 5,819,034 which was issued on October 6, 1998, and of the subject matter claimed in the broadening reissue patent application no. 09/672,523 filed on September 27, 2000 which reissue patent application corresponds to U.S. Patent No. 5,819,034, the specification of which was filed on September 27, 2000.

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Citizenship: United States of America  
Post Office Address: 16124 Orchard Grove Road  
Gaithersburg, MD 20878

Residence: Gaithersburg, MD

Signature: \_\_\_\_\_

Kuriacose Joseph

Date: \_\_\_\_\_

1/8/2013

Full Name of joint inventor number 2 : Vincent Dureau  
Citizenship: France  
Post Office Address: 3519 S. Court  
Palo Alto, CA 94306

Residence: Palo Alto, CA

Signature: \_\_\_\_\_

Vincent Dureau

Date: \_\_\_\_\_

Full Name of joint inventor number 3 : Alain Delpuch  
Citizenship: France  
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Paris 75013  
France

Residence: Paris, France

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Full Name of joint inventor number 4 : Ansley Wayne Jessup

Citizenship: United States of America

Post Office Address: 22 Elmwood Lane  
Willingboro, NJ 08046

Residence: Willingboro, NJ

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Ansley Wayne Jessup

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Vincent Dureau

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Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration (s) submitted in this application, arose without any deceptive intention on the part of the applicant.

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.